

ORDINANCE NO. 78-2

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, CREATING THE OFFICE OF COUNTY ADMINISTRATOR; STATING THE PURPOSE, PREREQUISITES FOR EMPLOYMENT, METHOD OF REMOVAL, AND POWERS AND DUTIES OF THE COUNTY ADMINISTRATOR; PROVIDING FOR THE ENUMERATION OF THE COUNTY ADMINISTRATOR'S POWERS BY RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. This Ordinance is enacted pursuant to Sections 125.71, 125.72, 125.73, and 125.74, Florida Statutes, to promote the efficient operation of the government of Manatee County, Florida. The office of County Administrator is hereby created to assist the members of the Board of County Commissioners to more efficiently fulfill the purposes of their elected office and to free said Commissioners from those daily detailed ministerial tasks which necessarily arise from the operation of the County as a unit of government.

Section 2. a. The County Administrator shall be the administrative head of the County government and shall be responsible for the administration of all departments of the County government which the Board of County Commissioners has authority to control pursuant to this Ordinance, the general laws of Florida, and other applicable legislation.

b. The County Administrator shall be qualified by administrative and executive experience and ability to serve as a chief administrator for the County and shall meet one or more of the following requirements:

1.) graduation from an accredited college or university with a Master's of Public Administration (M.P.A.) or a Master's of Business Administration (M.B.A.) or an equivalent degree in a related field and at least two (2) years of appropriate experience; or

2.) graduation from an accredited college or university with a Master's Degree in Public or Business Administration (M.A. or M.S.) or equivalent degree and at least three (3) years appropriate experience acquired subsequent to the completion of said Master's degree; or

3.) graduation from an accredited college or university with a Bachelor's Degree in Public or Business Administration (B.A., B.S., or B.B.A.) or equivalent degree and at least five (5) years appropriate experience since the completion of said Bachelor's Degree.

c. The County Administrator need not be a resident of the County at the time of his appointment, but during his tenure in office he shall reside within the County.

d. No County Commissioner shall be employed as County Administrator during the term which he shall have been elected or within two (2) years of expiration of his term as County Commissioner.

e. The compensation of the County Administrator shall be fixed by the Board of County Commissioners unless otherwise provided by law.

f. The County Administrator shall be appointed by an affirmative vote of not less than three (3) members of the Board of County Commissioners.

g. The office of the County Administrator shall be deemed vacant if the incumbent moves his residence from the County or is, by death, illness or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as the original appointment. The Board of County Commissioners may appoint an acting County Administrator in the case of vacancy or temporary absence or disability until a successor has been appointed and qualified or the Administrator returns.

h. The County Administrator may be removed at any time by an affirmative vote, upon notice of not less than three (3) members of the Board, after a hearing if such is requested by the County Administrator.

Section 3. a. By resolution the Board of County Commissioners shall name the individual employed as County Administrator, set out the conditions of said employment, and, by reference, specify which of the powers enumerated in this Ordinance the County Administrator shall exercise. Said resolution may provide that the County Administrator shall:

1.) be responsible for the administration of all departments responsible to the Board of County Commissioners and for the proper administration of all affairs under the jurisdiction of the Board.

2.) administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board to assure that they are faithfully executed.

3.) report to the Board on action taken pursuant to any directive or policy within the time set by the Board and provide an annual report to the Board on the state of the County, the work of the previous year, and any recommendations as to actions or programs the County Administrator deems necessary for the improvement of the County and the welfare of its residents.

4.) provide the Board, or individual members thereof, upon request, with data or information concerning County government and provide advice and recommendations on County government operations to the Board.

5.) prepare and submit to the Board of County Commissioners for its consideration and adoption an annual operating budget, a capital budget, and a capital program.

6.) establish the schedules and procedures to be followed by all County departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.

7.) prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the County for the preceding year and submit recommendations.

8.) supervise the care and custody of all County property.

9.) recommend to the Board a current position classification and pay plan for all positions in County service.

10.) develop, install, and maintain centralized budgeting, personnel, legal, and purchasing procedures.

11.) organize the work of County departments, subject to an administrative code developed by the Administrator and adopted by the Board, and review the departments, administration, and operation of the County and make recommendations pertaining thereto for reorganization by the Board.

12.) select, employ and supervise all personnel and fill all vacancies, positions, or employment under the jurisdiction of the Board, provided, however, the employment of all department heads shall require confirmation by the Board of County Commissioners.

13.) suspend, discharge, or remove any employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.

14.) negotiate leases, contracts, and other agreements, including consultant services, for the County, subject to approval of the Board, and make recommendations concerning the nature and location of County improvements.

15.) see that all terms and conditions in all leases, contracts, and agreements are performed and notify the Board of any noted violation thereof.

16.) order, upon advising the Board, any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration of the County government to do so.

17.) attend all meetings of the Board with authority to participate in the discussion of any matter.

18.) perform such other duties as may be required of him by the Board of County Commissioners.

b. The County Administrator is granted only those powers and duties which are administrative and ministerial in nature and not delegated any governmental power imbued in the Board of County Commissioners pursuant to Article VIII, Section 1(e), of the Florida Constitution. To that end, all powers of the County Administrator are to be construed as administrative in nature, and in any exercise of governmental power the County Administrator shall only be performing the duty of

advising the Board of County Commissioners in its role as the policy-setting governing body of the County.

Section 4. The Board shall appropriate such funds as necessary from the General Fund of the County to employ the County Administrator and his staff and provide necessary operating expenses. Said appropriation shall be subject to periodic review and adjustment.

Section 5. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with that Office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida, this the 5th day of January, 19 78.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Russ E. Driggers
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

R. B. Shore

STATE OF FLORIDA

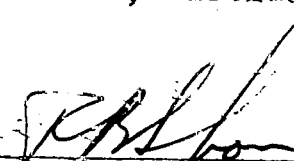
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 5th day of January 1978.

(78-2)

SUBJECT: Ordinance creating the Office of County Administrator; stating the purpose, prerequisites for employment, method of removal, and powers and duties of the County Administrator; Providing for the enumeration of the County Administrator's powers by Resolution; and providing an effective date.

WITNESS My Hand and Official Seal this 5th day of January 1978 in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



Secretary of State

STATE OF FLORIDA
THE CAPITOL
TALLAHASSEE 32304

BRUCE A. SMATHERS
SECRETARY OF STATE

MARY L. SINGLETON
Director, Division of Elections
904/488-7690

January 17, 1978

E. N. Fay, Jr, Esquire
Attorney at Law
1400 Fourth Avenue West
Bradenton, Florida 33505

JAN 19 1978
RECEIVED

Dear Mr. Fay:

Pursuant to the provisions of Section 125.66 Florida Statutes, this will acknowledge:

1 Receipt of your letter/s of January 11 and certified copy/ies of Manatee County Ordinance/s No./Nos. 78-2

1. Receipt of an original/l's and certified copy/ies of County Ordinance/s No. /Nos.

1. Receipt of County Ordinance/s relative to:

2. We have filed this/these ordinance/s in this office January 17, 1978.

2. We have numbered this ordinance/s and was/were filed in this office 1977.

Cordially,

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

239

NK/

P.S. Duplicate copy showing the filing date is being returned for your records.